

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

NORTH AMERICAN SOCCER LEAGUE, LLC,

Plaintiff,

v.

UNITED STATES SOCCER FEDERATION, INC., and
MAJOR LEAGUE SOCCER, L.L.C.,

Defendants.

Case No. 1:17-cv-05495-HG

**DECLARATION OF
CHRISTOPHER S. YATES IN
SUPPORT OF DEFENDANT
UNITED STATES SOCCER
FEDERATION, INC.'S
NOTICE OF APPLICATION
TO TAX COSTS**

I, Christopher S. Yates, declare that the following is true and correct:

1. I am a partner with the law firm of Latham & Watkins LLP, counsel for Defendant United States Soccer Federation, Inc. (“U.S. Soccer”) in this matter. I submit this Declaration in support of U.S. Soccer’s Bill of Costs. I have personal, first-hand knowledge of the facts set forth in this Declaration.

2. On February 3, 2025, the Court entered judgment in this case, pursuant to the jury’s verdict in favor of Defendants and against Plaintiff, and dismissed the case, with the Plaintiff to recover nothing from Defendants. ECF No. 539.

3. U.S. Soccer, as a prevailing party in this action, and pursuant to 28 U.S.C. §§ 1821 and 1920, Fed. R. Civ. P. 54(d)(1), and Local Civil Rule 54.1 is seeking \$62,832.21 in costs from Plaintiff North American Soccer League, LLC (“NASL”). These costs are described below.

Trial Transcripts

4. U.S. Soccer is seeking \$21,562.56 in costs for trial transcripts, as summarized in the index attached as Exhibit A. True and correct copies of the bills supporting the costs are attached as Exhibit A-1.

5. Pursuant to Local Civil Rule 54.1(c)(1), “[t]he cost of any part of the original trial transcript that was necessarily obtained for use in this court or on appeal is taxable.” The amount listed above in Paragraph 4 reflects the cost for U.S. Soccer to obtain transcripts that were necessary for its litigation of this case for the trial dates of January 13-17, January 21-24, January 27-28, January 30-31, and February 3.

Depositions

6. U.S. Soccer is seeking \$35,076.12 in costs for depositions, as summarized in the index attached as Exhibit B. True and correct copies of the bills supporting the costs are attached as Exhibit B-1.

7. Pursuant to Local Civil Rule 54.1(c)(2), “[u]nless otherwise ordered by the Court, the original transcript of a deposition, plus one copy, is taxable if the deposition was used or received in evidence at the trial, whether or not it was read in its entirety.” The amount reflected in Paragraph 6 includes \$20,284.69 of costs for the certified deposition transcript, the certified deposition video, delivery of the same, and searchable electronic copies of the exhibits used in the deposition for the following witnesses whose deposition videos were admitted into evidence at trial: Keith Bruce, Peter Capriotti, John Collins, Robert Contiguglia, Carlos Cordeiro, Luis Cuccatti, Aaron Davidson, Gregory Fike, Sean Flynn, Brian Helmick, Kevin Kletz, Stephen Malik, Neal Malone, Richard Moeller, Robert Palmer, Alec Papadakis, Donna Shalala, and Robert Watkins. U.S. Soccer is not seeking costs for rough drafts of deposition transcripts, Realtime services, tech support costs, cloud hosting or storage costs, or witness fees, mileage, or subsistence for these witnesses.

8. The amount reflected in Paragraph 6 includes \$11,679.26 of costs for the certified deposition transcript, the certified deposition video, delivery of the same, and searchable electronic copies of the exhibits used in the deposition for the following witnesses whose deposition was used at trial in the course of cross-examination of the witness, but not admitted into evidence: Carmelo Anthony (Feb. 28, 2019), Rocco Commisso (May 7, 2019; May 8, 2019), Erik Stover (Apr. 18, 2019), Roger Noll (Aug. 13, 2020), Rishi Sehgal (Jan. 7, 2019), Sunil Gulati (May 22, 2019), and Don Garber (Jun. 12, 2019).

9. Pursuant to Local Civil Rule 54.1(c)(2), “[c]osts for depositions are also taxable if they were used by the Court in ruling on a motion for summary judgment or other dispositive substantive motion.” The amount reflected in Paragraph 6 includes \$3,112.17 of costs for the certified deposition transcript, the certified deposition video, delivery of the same, and searchable electronic copies of the exhibits used in the deposition for the following witnesses whose deposition was relied upon in the Court’s Opinion granting summary judgment in favor of Defendants on NASL’s Count I: Roger Noll (Aug. 12, 2020) and Stefan Szymanski (Nov. 12, 2019). *See* ECF No. 399 at 44 n.8.

Copies of Exhibits

10. U.S. Soccer is seeking \$3,481.40 in costs for copies of trial exhibits, as summarized below and detailed in the index attached as Exhibit C. True and correct copies of the bills supporting the costs are attached as Exhibit C-1.

11. Pursuant to Local Civil Rule 54.1(c)(5) “[a] copy of an exhibit is taxable if the original was not available and the copy was used or received in evidence.” The amount reflected in paragraph 10 includes \$3,481.40 of costs for one copy of the exhibits received in evidence at trial, calculated by multiplying the per page copy cost by the total number of pages of all admitted trial exhibits.

12. The costs for copies of papers are summarized below.

Per Page Copy Cost	Number of Pages of Admitted Exhibits	Total Cost of Copy of Admitted Exhibits
\$0.650	5,356	\$3,481.40

Trial Witness Costs

13. U.S. Soccer is seeking \$1,062.13 in costs for trial witnesses, as summarized below and detailed in the index attached as Exhibit D. True and correct copies of the bills supporting the costs are attached as Exhibit D-1.

14. Pursuant to Local Civil Rule 54.1(c)(3), “[w]itness fees and travel expenses authorized by 28 U.S.C. § 1821 are taxable if the witness testifies” and “[s]ubsistence pursuant to 28 U.S.C. § 1821 is taxable if the witness testifies and it is not practical for the witness to return to his or her residence from day to day.” The amount reflected in Paragraph 13 includes costs for witness attendance for Sunil Gulati, and costs for witness attendance and lodging for Jeff L’Hote.

15. The witness costs sought are summarized below.

Witness Name	Dates	Expense	Total Requested
Sunil Gulati	1/21/2025	\$40 x 2	\$80
Witness Attendance	1/22/2025		
Jeff L’Hote	1/23/2025	\$40 x 2	\$982.13
Witness Attendance	1/24/2025	\$300.71 x 3	
Lodging			
			TOTAL = \$1,062.13

Docket and Miscellaneous Fees

16. U.S. Soccer is seeking \$1,650.00 in costs for the pro hac vice applications of its lawyers, as summarized below and detailed in the index attached as Exhibit E. True and correct copies of the bills supporting the costs are attached as Exhibit E-1.

17. Pursuant to Local Civil Rule 54.1(c)(10), “[d]ocket fees, and the reasonable and actual fees of the Clerk of a marshal, sheriff, and process server, are taxable unless otherwise ordered by the

Court.” The amount reflected in Paragraph 16 includes costs for the pro hac vice applications of Alan Devlin, Christopher Yates, Russell Sauer, Katherine Larkin-Wong, Anna Rathbun, Elizabeth Yandell, Elizabeth Gettinger, David Johnson, Aaron Chiu, and Joseph Axelrad.

18. The pro hac vice costs sought are summarized below.

Expense Type	Date	Expense Total
Pro Hac Vice Application of Alan Devlin. <i>See</i> ECF No. 19	10/4/2017	\$150
Pro Hac Vice Application of Christopher Yates. <i>See</i> ECF No. 20	10/4/2017	\$150
Pro Hac Vice Application of Russell Sauer. <i>See</i> ECF No. 21	10/4/2017	\$150
Pro Hac Vice Application of Katherine Larkin-Wong. <i>See</i> ECF No. 87	7/20/2018	\$150
Pro Hac Vice Application of Anna Rathbun. <i>See</i> ECF No. 164	6/7/2019	\$150
Pro Hac Vice Application of Elizabeth Yandell. <i>See</i> ECF No. 226	8/24/2020	\$150
Pro Hac Vice Application of Elizabeth Gettinger. <i>See</i> ECF No. 247	11/11/2020	\$150
Pro Hac Vice Application of David Johnson. <i>See</i> ECF No. 440	9/20/2024	\$200
Pro Hac Vice Application of Aaron Chiu. <i>See</i> ECF No. 484.	12/17/2024	\$200
Pro Hac Vice Application of Joseph Axelrad. <i>See</i> ECF No. 485	12/17/2024	\$200
TOTAL = \$1,650.00		

ITEMIZATION IN SUPPORT OF REQUESTS FOR COSTS

Local Civil Rule	Description	Cost
54.1(c)(1) – Transcripts	Defendant obtained daily copies of trial transcripts, which were used in the trial for various purposes during the examination of witnesses, and on closing.	\$21,562.56
54.1(c)(2) – Depositions	Court reporter expenses associated with obtaining of the transcripts of Carmelo Anthony, Keith Bruce, Peter Capriotti, John Collins, Rocco Commisso, Robert Contiguglia, Carlos Cordeiro, Luis Cuccatti, Aaron Davidson, Gregory Fike, Sean Flynn, Don Garber, Sunil Gulati, Brian Helmick, Kevin Kletz, Stephen Malik, Neal Malone, Richard Moeller, Roger Noll, Robert Palmer, Alec Papadakis, Rishi Sehgal, Donna Shalala, Erik Stover, Stefan Szymanski, Robert Watkins	\$35,076.12
54.1(c)(3) – Witness Fees, Travel Expenses and Subsistence	Witness fees associated with the testimony of Sunil Gulati and Jeff L'Hote	\$1,062.13
54.1(c)(5) – Copies of Paper	Expenses associated with copies of admitted exhibits	\$3,481.40
54.1(c)(10) – Docket and Miscellaneous Fees	Pro Hac Vice application for Alan Devlin, Christopher Yates, Russell Sauer, Katherine Larkin-Wong, Anna Rathbun, Elizabeth Yandell, Elizabeth Gettinger, David Johnson, Aaron Chiu, Joseph Axelrad	\$1,650.00
	TOTAL:	\$62,832.21

19. I declare that the foregoing costs are true and correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed.

I declare under penalty of perjury that the foregoing is true and correct.

Date: February 18, 2025

By: /s/ Christopher S. Yates

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